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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,188	03/19/2001	Tomoshi Hirayama	204947US6	6951
22850	7590	05/25/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BRUCKART, BENJAMIN R	
			ART UNIT 2155	PAPER NUMBER
			NOTIFICATION DATE 05/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

09/810,188

**Applicant(s)**

HIRAYAMA, TOMOSHI

**Examiner**

Benjamin R. Bruckart

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### **Status of Claims:**

Claims 1, 4-5, 30-34 are pending in this Office Action.

Claims 1, 4 are amended.

Claims 2-3, 6-29 remain cancelled.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 4/24/76, have been fully considered by are moot in view of new grounds of rejection. The reasons are set forth below.

#### **Applicant's invention as claimed:**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-5, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,628,928 by Crosby et al in view of U.S. Patent No 5,857,149 by Suzuki.**

Regarding claim 1,

the Crosby reference teaches an information processing apparatus (Crosby: Fig. 3) comprising:

an acquisition means for acquiring information on a radio broadcast station and information on data presented by said radio broadcast station (Crosby: col. 6, lines 42-52; the signals and encoded information);

a generation means for generating radio broadcast station identification information and generating content identification information for identifying data on the basis of said information acquired by said acquisition means (Crosby: col. 7, lines 31-47; identity of broadcast and specific program segment), wherein the generated radio broadcast station identification and content identification information are difference from the acquired information on a radio broadcast station and information on an audio quiz question;

a storage means for storing said radio broadcast station identification information and said content identification information by associating said radio broadcast station identification information with said content identification information (Crosby: col. 8, lines 59-65); and

a transmission means for transmitting information stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through a network (Crosby: Fig. 1; col. 7, lines 44-47).

The Crosby reference fails to teach an audio quiz question.

However, the Suzuki reference teaches a broadcasting station providing quizzes for radio (Suzuki: col. 4, lines 66 – col. 5, line 5) in order to arouse the interest of the audience and provide real time answers (Suzuki: col. 5, lines 6-12).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus as taught by Crosby to include audio quiz questions as taught by Suzuki in order to arouse the interest of the audience and provide real time answers (Suzuki: col. 5, lines 6-12).

Regarding claim 4,

The Crosby reference teaches an information processing apparatus (Crosby: Fig. 3) comprising:

an acquisition means for acquiring information on a radio broadcast station and information on data presented by said radio broadcast station (Crosby: col. 6, lines 42-52; the signals and encoded information);

a generation means for generating radio broadcast station identification information and generating content identification information for identifying the data on the basis of said information acquired by said acquisition means (Crosby: col. 7, lines 31-47; identity of broadcast and specific program segment), wherein the generated radio broadcast station identification and content identification information are difference from the acquired information on a radio broadcast station and information on an audio quiz question;

a storage means for storing said radio broadcast station identification information and said content identification information by associating said radio broadcast station identification information with said content identification information (Crosby: col. 8, lines 59-65); and

a transmission means for transmitting information stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through a network (Crosby: Fig. 1; col. 7, lines 44-47).

The Crosby reference fails to teach an audio quiz question.

However, the Suzuki reference teaches a broadcasting station providing quizzes for radio (Suzuki: col. 4, lines 66 – col. 5, line 5);

wherein said acquisition means further acquires a validity-condition concerning validity of presentation of data from said radio broadcast station (Suzuki: col. 3, lines 20- col. 4, line 58); and

said storage means further stores said validation-condition by associating said validity-condition with said radio broadcast station identification information and said content identification information (Suzuki: col. 7, lines 22-46) in order to arouse the interest of the audience and provide real time answers (Suzuki: col. 5, lines 6-12)

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus as taught by Crosby to include audio quiz questions as taught by Suzuki in order to arouse the interest of the audience and provide real time answers (Suzuki: col. 5, lines 6-12).

Regarding claim 5, an information processing apparatus according to claim 4, wherein said validity-condition includes information on additional information added by a user receiving data

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including radio broadcast station identification information and said audio quiz question identification information (Crosby: col. 7, line 60- col. 8, lines 47).

Regarding claim 30, the information processing apparatus of claim 4, wherein  
said validity-condition is a deadline for accepting a response (Suzuki: col. 5, lines 21-33).

Regarding claim 31, the information processing apparatus of claim 4, wherein  
said validity condition is an age restriction (Suzuki: col. 3, lines 51-63).

Regarding claim 32, the information processing apparatus of claim 4, wherein  
said validity-condition is an adult category (Suzuki: col. 3, lines 51-63).

Regarding claim 33, the information processing apparatus of claim 4, wherein  
said validity-condition is a registered person (Suzuki: col. 3, lines 64- col. 4, line 6).

Regarding claim 34, the information processing apparatus of claim 4, wherein  
said validity-condition is an area restriction (Suzuki: col. 4, lines 15-31).

### **REMARKS**

Applicant amended claims 1 and 4 to distinguish from the cited prior art. Applicant points to the specification of the instant application to help explain the claimed features.

The examiner is perplexed with the separation between applicant's claim language and specification cited. While the specification citation is clear and easier to understand, the claims mix words and meanings and don't say much. The citation and explanation from the specification clearly does not show an audio quiz question. Further the specification denotes that the ID-assigning unit (42) is performing the steps, but the claims do not specify this anywhere. The beginning of page 6 of the arguments shows reasons behind assigning IDs but the claims do not.

Applicant is reminded that the claims are read in light of the specification but the specification is not read into the claim language. In this instance, the claim language is so poorly written that the examiner cannot find the most novel features, nor the relevance of applicant's amendments.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155  
brb

brb

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER